

# HOUSE BILL No. 1252

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-16-7.

**Synopsis:** Activation of state employees. Provides that a state employee who is a member of the Indiana National Guard is entitled to a leave of absence without loss of time or pay while on active duty and compensation in an amount which is equal to the difference between the active duty military pay and the salary the member would have received if the member was not called to active duty.

**Effective:** July 1, 2016.

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January 11, 2016, read first time and referred to Committee on Employment, Labor and Pensions.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1252

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 10-16-7-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a) As used in**
- 3 **section 5(d) and 5(e) of this chapter, "employer" means the state.**
- 4 **(b) As used in section 6 of this chapter, "employer" refers to an**
- 5 **employer:**
- 6 (1) other than the state or a county, township, municipality, or
- 7 school corporation in Indiana; and
- 8 (2) that employs any employee other than an employee in a
- 9 temporary position.
- 10 SECTION 2. IC 10-16-7-2 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a) As used in**
- 12 **section 5 5(a), 5(b), and 5(c) of this chapter, "member" refers to the**
- 13 **following:**
- 14 (1) A member of the Indiana National Guard.
- 15 (2) A member of a reserve component.
- 16 (3) A member of the retired personnel of the naval, air, or ground
- 17 forces of the United States.



(b) As used in section 5(d) and 5(e) of this chapter, "member" refers to a member of the Indiana National Guard.

SECTION 3. IC 10-16-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) **Except as provided in subsections (d) and (e)**, this section applies to all officers and employees of the state or any county, township, municipality, or school corporation in Indiana who are members.

(b) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to regular vacation period without loss of time or pay for the time that the member is:

(1) on training duties of the state under the order of the governor as commander in chief; or

(2) a member of any reserve component under the order of the reserve component authority;

for any consecutive or nonconsecutive period that does not exceed a total of fifteen (15) days in any calendar year. The entitlement to a leave of absence without loss of time or pay provided in this subsection is not at the discretion of the member's employer.

(c) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to the member's regular vacation period for the total number of days that the member is on state active duty under section 7 of this chapter. **Except as provided in subsections (d) and (e)**, a leave of absence provided under this subsection may be with or without loss of time or pay at the discretion of the member's employer.

**(d) This subsection applies only to members who are:**

(1) state employees; and

(2) members of the Indiana National Guard on active duty, as defined in section 23(a) of this chapter.

A leave of absence granted under subsection (c) by the employer of a member described in this subsection must be granted without loss of time or pay.

(e) In addition to any other benefits provided in this chapter, a member who is called to active duty is entitled to receive compensation equal to the difference between the member's active duty military pay and the salary that the member would have received from the member's employer if the member had not been called to active duty. The employer shall pay the member compensation under this subsection for the duration of the member's active duty service as determined by the adjutant general. The employer shall pay the member's compensation under



1        **this subsection from money appropriated to the employer.**

